

### **EXAMINER'S AMENDMENT**

#### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 June 2009 has been entered.

#### **Information Disclosure Statement**

2. Receipt is acknowledged of an Information Disclosure Statement, filed 24 July 2009, which has been placed of record in the file. An initialed, signed and dated copy of the PTO-1449 form is attached to this Office action.

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3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Mr. David Kemeny (applicant's representative) on 1 October 2009.

5. The application has been amended as follows:

**In the title of the invention:**

Replace the current title of the invention with the following new title of the invention:

--APPARATUS FOR SEALING A PACKAGE--.

**In the specification:**

Page 5, line 6, delete "A" and insert --As--.

**In the claims:**

Cancel claims 9-11.

**Explanation for Examiner's Amendment**

6. The title of the invention has been amended so that it is consistent with the claimed invention.

7. The specification has been amended to correct an editorial error.

8. During a conversation with applicant's representative on 1 October 2009 it was agreed that claims 9-11 would be canceled in order to avoid a rejection of the claims 9-11 in light of the Deimel et al. reference (US 4,241,560).

### **Conclusion**

**9.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is 571-272-4460. The examiner can normally be reached on Monday - Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen F. Gerrity/  
Primary Examiner, Art Unit 3721